

ESTTA Tracking number: **ESTTA217501**

Filing date: **06/12/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91123506
Party	Defendant GRIZZLY INDUSTRIAL, INC.
Correspondence Address	Joseph F. Schmidt Welsh & Katz, Ltd. 120 South Riverside Plaza, 22nd Floor Chicago, IL 60606 UNITED STATES jfsdocket@welshkatz.com
Submission	Other Motions/Papers
Filer's Name	Joseph F. Schmidt
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Signature	/jfs/
Date	06/12/2008
Attachments	AGREED MOTION TO VACATE AND TO DISMISS - TTAB proceeding.PDF (3 pages)(69565 bytes)

ATTACHMENT 2

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PUCEL ENTERPRISES, INC.,)	
)	
Opposer,)	Consolidated Proceedings:
)	Opposition No. 91123506
v.)	Cancellation No. 92031984
)	Cancellation No. 92032024
GRIZZLY INDUSTRIAL, INC.,)	Cancellation No. 92032025
)	
Applicant.)	

AGREED MOTION TO VACATE AND TO DISMISS

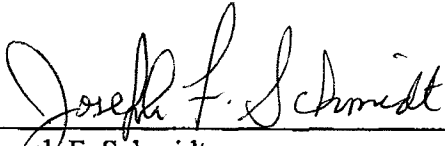
The parties, through their respective counsel, hereby move that:

- (1) the TTAB vacate and set aside the Decision of the TTAB dated January 16, 2008;
- (2) dismiss with prejudice the above-identified Consolidated Proceedings; and
- (3) direct the Commissioner to grant Grizzly Industrial, Inc.'s application Serial No.

76/088,346 for registration of the mark GRIZZLY.COM.

The basis for this motion is that the parties have settled Civil Action No. 08 C 1483, entitled Grizzly Industrial, Inc. v. Pucel Enterprises, Inc., currently pending in U.S. District Court for the Northern District of Illinois, Eastern Division. The civil action, pursuant to 15 U.S.C. §1071(b), sought judicial review and reversal of the Decision of the TTAB dated January 16, 2008. The settlement provides, *inter alia*, for the assignment to Grizzly Industrial, Inc. of Pucel Enterprises, Inc.'s six (6) marks and the registrations therefor which were the basis for the Consolidated Proceedings and the TTAB's Decision of January 16, 2008.

For the foregoing reasons, this motion should be granted.

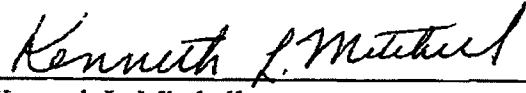


Joseph F. Schmidt
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Attorney for Applicant

GRIZZLY INDUSTRIAL, INC.

Date: June 12, 2008



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Attorneys for Opposer

PUCEL ENTERPRISES, INC.

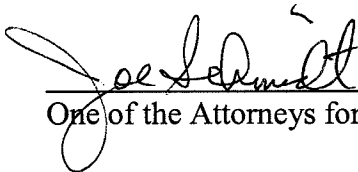
Date: June 12, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **AGREED**
MOTION TO VACATE AND DISMISSED was served on opposer's attorney via email

Kenneth L. Mitchell
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Kirtland, OH 44094
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on this 12th day of June, 2008.



One of the Attorneys for Applicant